

## Meeting Minutes October 16, 2003

### Town of Los Altos Hills City Council Special Meeting

Thursday, October 16, 2003, 6:00 P.M.

Council Chambers, 26379 Fremont Road-- **TELECONFERENCE LOCATION:**

**Inn at Saratoga  
20645 4<sup>th</sup> Street  
Saratoga, California  
408-593-4186**

#### 1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Cheng called the Special Meeting of the City Council to order at 6:15 p.m. in the Council Chambers at Town Hall.

Present: Mayor Emily Cheng, Mayor Pro Tem Mike O'Malley (via teleconference 6:25 p.m. to 7:25 p.m. Participated in consideration of Agenda Items 9.1,11.1.11.2) Councilmember Breene Kerr and Councilmember Dean Warshawsky

Absent: Councilmember Bob Fenwick

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, City Engineer/Director of Public Works Mintze Cheng, Administrative Services Director Sarah Joiner and City Clerk Karen Jost

Press: Kaye Ross, San Jose Mercury News and Tim Seyfert, Los Altos Town Crier

Mayor Cheng announced that tonight's meeting would be a Special City Council Meeting due to the teleconferencing by Mayor Pro Tem O'Malley. The Mayor read aloud for the benefit of the public the teleconference location and telephone number.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to limit the length of time for public comments to three minutes.

#### 2. APPOINTMENTS AND PRESENTATIONS

##### 2.1 Presentation by Melinda Cervantes – Santa Clara County Librarian

Melinda Cervantes, Santa Clara County Librarian, addressed Council. She presented a brief overview of the services provided to the nine cities and the unincorporated area of the county served by the Library. She noted that the City of Los Altos has two libraries and these serve the residents of Los Altos Hills. In 1994, the County Board of Supervisors established the Library Joint Powers Authority (JPA). Mayor Cheng is a member. The same year, the Library JPA voted to put a benefit assessment measure on

the ballot that was subsequently supported by the voters. Cervantes added that in order to maintain the same high quality of library service in our community, it will be necessary to renew the benefit assessment. The ballot measure most likely will go before voters in March 2004. The Library JPA at their October meeting will determine the assessment rate, term and cost-of-living escalator. This will be followed by public hearings on the ballot measure and eventually it will go before the voters. Cervantes asked the Council for their support to renew the benefit assessment.

### 3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Planning Commission had met on October 9, 2003 and considered the following items: a Conditional Use Permit for a Cingular Wireless installation on an existing utility pole, the Commission recommended approval with the Condition of Approval that if the utilities at that location are undergrounded, the phone service will be responsible for undergrounding their utility (this will be forwarded to Council for their approval); a request to vacate a public off-road path easement and an offer of dedication of off-road pathway easements, Lands of Kerns, the Commission accepted the Pathway Committees recommendation on this item and recommended approval of this request and this will be forwarded to Council for review and, Lands of Rule, was continued to a future meeting.

Cahill added that the Planning Commissioners discussed their Joint Meeting with the Council under New Business. They are seeking clear direction from the City Council on the types of water conservation measures they would like implemented. Cahill will prepare a staff report for Council discussion on this issue for a future meeting.

### 4. CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to approve the consent calendar, specifically:

- 4.1 Approval of Minutes: Regular City Council Meeting October 2, 2003
- 4.2 Review of Disbursements: 09/24/2003 – 10/08/2003 \$282,812.47
- 4.3 Notification of Fast Track Approval: A Request for a Site Development Permit for an Addition; Lands of Hanttula, 26787 Robleda Court (13-03-ZP-SD-GD)
- 4.4 Adopt the Negative Declaration and Adopt the Ordinance Amending the Los Altos Hills Municipal Code Section 10-1.502.B.2. (Development Area) Ordinance 431
- 4.5 Approval of Resolution Supporting the Santa Clara Valley Water Resource Protection Collaborative Reso# 78-03
- 4.6 Approval of a Resolution Endorsing VTA's Community Design and Transportation Program and its Manual of Best Practices for Integrating Transportation and Land Use Reso # 79-03

- 4.7 Los Altos/Los Altos Hills Little League Proposal for Installation of a Permanent Fence on Purissima Little League Field #3

## 5. UNFINISHED BUSINESS

### 5.1 Update on Mayor's Goals

#### 5.1.1 New Town Hall – Public Hearing Item 11.2

#### 5.1.2 Undergrounding of Utilities – Status Report

Councilmember Warshawsky reported that the Undergrounding Committee's request for funding of a telephone survey had been discussed at the City Council Special Meeting/Joint Study Session with the Finance and Investment Committee and the poll will be more clearly defined and the request will be revisited in November. The R.W. Beck engineer will be in Town October 27 and October 28 to review the requirements for Undergrounding the Town's utilities. The R. W. Beck final report is expected in December.

#### 5.1.3 Master Pathway Map – Status Report

Dot Schreiner, 14301 Saddle Mountain Drive, reported that the pathway map group is continuing to meet at Town Hall in Council Chambers every Friday to review and confirm documentation for easements from Grant Deeds. They are working on the memo to the City Attorney that will request clarification of questions that have arisen during this investigation process.

Councilmember Warshawsky applauded Schreiner and her group for their efforts and hours of dedicated work.

Nancy Ewald, Pathway Committee Member, reported that the Committee at their October 27, 2003 meeting will be discussing the process for reviewing all of the documentation information from the group, the Master Path Plan and the Path Map. Additional Pathway Committee meetings may be necessary for this review process.

#### 5.1.3 Storm Water Master Plan – Status Report

City Engineer/Director of Public Works Cheng reported that a status report from Nolte Associates on the Storm Water Master Plan is expected to be forwarded to the City Council in February.

#### 5.1.5 Visit to China to Explore Business Opportunities –Postponed for Discussion in Spring 2004

## 6. NEW BUSINESS

### 6.1 Councilmember Appointment to the Santa Clara Valley Transportation Authority (VTA) – Alternate Member 2004 and 2005

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Cheng and passed unanimously to appoint Councilmember Kerr to the Santa Clara County Transportation Authority as an Alternate Member for the years of 2004 and 2005.

Mayor Cheng suggested that membership on the VTA Policy Advisory Board would be complementary to this appointment and requested that it be placed on the next City Council agenda for consideration.

#### 6.2 Consideration of Request for Redaction of Information from Approved Minutes Posted on the Town's Website

City Clerk Karen Jost briefly summarized her staff report for Council. She explained that staff has received two requests for redaction of address information during the last several months. These have been the only such requests that she has received since assuming her position in November of last year. Jost noted that the initial request was from an individual that will have a high media profile in the next months and is concerned about security issues. Since the last interaction with the attorney for this requestor in September, no further communications in pursuit of this request have been received. The second request from another party called for the redaction of name and address information from archived City Council Meeting Minutes from 1997.

Jost noted that in response to these requests, with the approval of the City Attorney, the speaker's card for addressing Council had been modified. Council had before them a sample of the amended form. The Town's card now identifies the address as optional information but name, topic and Town/City of residence as required.

City Attorney Mattas added that while understanding the resident's privacy concern, due to the length of time that this information has been on the Town's website on the internet, the information may have been relocated or be available from other sites. He believes it is appropriate to go forward with the changes that have been made and allow speaker's who wish to leave out their street addresses to ensure the privacy that is being requested by these individuals.

Mattas explained that staff cannot modify the minutes without approval from Council.

Council discussion ensued. They concurred with the City Attorney.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to approve the revised address optional speaker's card for use on a "going forward basis" and to not modify archived and approved minutes on the Town's website.

#### 6.3 Consideration of Update of Municipal Code Pertaining to Private Roads- Les Earnest

Les Earnest, 12769 Dianne Drive, addressed Council. Earnest had requested that this item be placed on the agenda for Council discussion. He explained that, in his opinion,

public roads are visually indistinguishable from private roads and it is very confusing for motorists which rules are applicable. Earnest cited the California Vehicle Code which allows municipalities to identify private roads which are subject to the State Vehicle Code and the owners of the private roads have the right to exempt themselves from the Code by posting signage. If there is no sign, the road is subject to the Vehicle Code and if there is a sign, the rules of the owners of the road apply. Earnest suggested that the Town's Ordinance that lists the private roads is obsolete and should be amended. The list contains streets that are no longer private, no longer exist and it is missing a number of private roads. Earnest, in assisting the pathway map group gather documentation' has developed a revised list of roads that he would like staff to review and modify as they deem appropriate. The City Council could then amend the Ordinance.

City Engineer Cheng explained that the Town maintains a database outside of the Municipal Code that lists alphabetically the Town's private streets, what document created the street and the interpretation of what portion of the street is private. Cheng added that a simple list might create more confusion, for example: Black Mountain Road is public to Natoma and then it becomes private and Dawnridge Drive is private except for the last cul-de-sac which is public. She would prefer not to list streets in the Municipal Code but to update the database that is maintained and updated aggressively by staff. Cheng noted that a formal Council action would be required to update the list in the Town's Code.

City Manager Cassingham suggested that the City Council could review the private street list and the revised recommended pathway map from the Pathway Committee at the same time. This approach would permit Council a comprehensive review of both issues in conjunction.

Dot Schreiner, Saddle Mountain Road, expressed her concern that owners of private roads could have signage that restricts the public's access to the pathway in the road right-of-way.

Barbara Mordo, 27693 Vogue Court, questioned the right of public access on private roads to get to public roads.

City Attorney Mattas explained that the California Vehicle Code addresses this issue and allows for the public use over private roads that connect to public roads and provide the primary access.

Council discussion ensued. Council concurred with the recommendation of the City Manager and agreed by consensus to visit the issue of private roads and private road easements during consideration of the pathway map.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Mayor Cheng reported on the Newcomer's Reception hosted by the Community Relations Committee at the Mayor's home. The event was a great success and she concluded that it should be held annually at the Mayor's residence.

## 8. STAFF REPORTS

### 8.1 City Manager

#### 8.1.1 Report on Engineering Functions, Workload and Costs

City Manager Cassingham reported that Council had before them a report that she had requested from the City Engineer/Public Works Director providing information to the City Council on the Engineering Division. It is an extensive report and she noted that she would be happy to answer questions or do further research and analysis at the direction of the City Council. Cassingham added that since the formation of the in-house Engineering Division customer service has greatly improved and costs have been reduced.

Councilmember Kerr questioned who would be responsible for the grading inspections for the Evershine project. Cheng explained that Richard Chen, the Town's registered Associate Engineer, will oversee the project and the day-to-day operation will be monitored by contract inspector Jim Boyle. Cheng noted that the cost of Boyle's services are billable to the project.

In response to a question from Councilmember Kerr regarding staff workload as development decreases in the Town, Cheng explained that with this reduction, more projects have been brought in-house and fewer are being sent out to our consultants, Mark Thomas & Co.

City Manager Cassingham explained that projects are still sent out when specialized licenses or certificates are required similar to the current Master Storm Drain Study.

### 8.2 City Attorney

#### 8.2.1 Status Report on the Church of the Redeemer, Magdalena Avenue, Los Altos

City Attorney Steve Mattas reported that Planning Director Cahill has met with County staff to discuss this project and reviewed the County staff project report. The Town's comments have been forwarded. The County is hosting a community meeting on November 12 for the purpose of discussing the proposed meeting hall with the public (phase III). Town staff will continue to monitor and comment on the project.

Mattas explained the process of instigating and maintaining a permit parking process for the Town streets that could be impacted by the proposed meeting hall. This is an option that could be revisited if the County does not act on the concerns of the Town and approves the project with no mitigation plans that would address the parking issues.

Mary Lenehan, 25183 Dawnridge Drive, spoke to Council as a neighborhood representative. She explained that they have attempted to work with the church to resolve the parking problems without a satisfactory conclusion. The neighborhood is seeking the Council's assistance to defeat the proposed meeting hall that would permit event attendance by 350 people, 7 days a week and with only 98 parking spaces proposed. It is being classified as a church building/hall which allows the lower parking space numbers.

City Attorney Steve Mattas reported that Council would be receiving a memo regarding the zoning requirements and possible location of day care facilities at the Bullis School site. He requested direction from Council on the release of a non-confidential version of the memo.

Council directed Mattas to prepare an additional memo for public disbursement.

### 8.3 City Clerk

#### 8.3.1 Report on Council Correspondence

### 8.4 City Engineer

#### 8.4.1 Report on Comcast Cable Upgrade

City Engineer/Director of Public Works Cheng reported that Comcast Cable is proposing to install eight fiber optic "nodes" to enhance their service in Town. Exhibit B and Exhibit C of the report before Council include a list of the proposed locations and a picture of the new proposed cabinet. The expected completion date of the project is February, 2004. The upgrade will be for current customers only.

City Manager Cassingham reported that she will be returning to the City Council with a progress report on the examination of the Comcast franchise audit. The refranchising process is separate from the proposed Comcast upgrade.

## 9. COUNCIL-INITIATED ITEMS

### 9.1 Request for Use of Town Hall and Town Hall Staff to Receive/Process Charter School Enrollment Applications-Councilmember Kerr

Councilmember Kerr explained that the Bullis Charter School is requesting that Town Hall serve as a location for residents to pick-up and drop-off applications for enrollment.

Cathy Evans, Bullis Charter School Foundation Board Member, clarified the requirements for accepting the applications. The School will not ask staff to date or time stamp the forms. They would like to locate two boxes in the front office where they will be safe and cannot be removed. A Charter School representative will pick-up the submittals daily. The enrollment period will close on December 13, 2003.

Mayor Pro Tem O'Malley stated that the request sounded reasonable and could be revisited if any problems develop.

Mayor Cheng asked who would be responsible if the applications were lost or stolen. Evans replied that the School assumes they will be safe in the front office but would be at risk if left outside. The School will not hold the Town responsible.

City Manager Cassingham asked Ms. Evans to put her request and expectations of staff in writing. Cassingham explained that this request differs from the Charter School's earlier requirements that wanted the submittals officially stamped with a date and time stamp upon receipt by Town staff.

City Attorney added that the letter should also clearly indicate that the Foundation is holding the Town harmless for the applications.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed by the following roll call vote to approve the request of the Bullis Charter School Foundation as expressed at tonight's meeting and upon receipt of a letter indemnifying the Town, permit them to locate applications and submittal boxes at Town Hall. The City Manager or Mayor can countersign the letter on behalf of the Town.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Kerr and Councilmember Warshawsky

NOES: None

ABSENT: Councilmember Fenwick

ABSTAIN:None

#### 10. PRESENTATIONS FROM THE FLOOR

OPENED PUBLIC COMMENT

CLOSED PUBLIC COMMENT

#### 11. PUBLIC HEARINGS

##### 11.1 Review of the Approved Operating and Capital Improvement Program Budgets-Fiscal Year 2003-2004 Post State Budget Adoption

Mayor Cheng reported that the Council in their earlier Special Meeting Study Session with the Finance and Investment Committee had come to the consensus that they would like further discussion on this item.

Councilmember Warshawsky explained that Council has already approved the budget and only adjustments are being considered at this time.

Councilmember Kerr added that Council is asking staff to prepare a different presentation/format of the Town's operating budget for ease of understanding.

OPENED PUBLIC HEARING



Mayor Pro Tem O'Malley asked if there were any items that required Council's approval at this time.

Administrative Services Director Joiner explained that most items have been approved.

Councilmember Warshawsky stated that the Undergrounding Committee's request for funds for a telephone survey could be postponed at this time and revisited after the budget review.

Following Council discussion there was a consensus to continue the Public Hearing to the November 20<sup>th</sup> City Council meeting. A Special City Council Study Session with the Finance and Investment Committee would be scheduled earlier in the week.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed by the following roll call vote to continue the Public Hearing and schedule it for the Regular City Council Meeting of November 20, 2003, and to schedule a Special City Council Meeting for November 17, 2003, at 5:00 p.m. for the purpose of a joint study session with the City Council and the Finance and Investment Committee.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Kerr and Councilmember Warshawsky

NOES: None

ABSENT: Councilmember Fenwick

ABSTAIN:None

#### 11.2 Consideration of Approval of the New Town Hall Design and Budget-Presentation by Peter Duxbury, AIA

In the absence of Council questions for staff, Mayor Cheng opened the Public Hearing.

#### OPENED PUBLIC HEARING

Peter Duxbury, Duxbury Architects, architect for the New Town Hall introduced himself. He presented a brief overview of the schematic designs and renderings of the proposed New Town Hall that were displayed on the walls of Council Chambers. Duxbury explained that his design was sympathetic to the rural style that had been selected in the spring poll by Town residents. The building has gabled roofs, a wood exterior and large windows. It will be in three sections/parts that surround the Heritage Oak and a courtyard. One section is comprised of the lobby, staff offices and small meeting areas; the second section will house the public restrooms, staff break room with kitchenette; and the third section is the Council Chambers that will be connected by a breezeway and that will finish the wing. Duxbury called his design inviting, very functional with numerous meeting areas, energy efficient and a sophisticated adaptation of the rural design. He noted that the Heritage House will remain and is proposed to serve as the location of the historical Town archives and emergency services.

Duxbury previewed the donor wall that will help to fund photovoltaic cells for the new building. Tiles will be designed by residents and placed on a low serpentine seating wall. Duxbury envisions tiles with children's handprints, pet paws or hand script.

Duxbury concluded his presentation by explaining that the landscaping shown in the renderings is not included nor budgeted as part of the project but represent landscaping design and elements that he would like to eventually see incorporated on the site.

Councilmember Kerr thanked Peter Duxbury for all of his efforts. He noted that Peter had designed a building that fits the style criteria the residents had selected and taken their input and translated an idea into a real building very successfully.

Kerr thanked the New Town Hall Committee for the many hours they have dedicated to this project.

Resident, neighbor to Town Hall, addressed Council. She would like to see a grove of trees planted in the parking area to mitigate the view of cars from her home.

Councilmember Warshawsky explained that these concerns would be addressed during the normal site development process for the project.

Dot Schriener, 14301 Saddle Mountain Drive, asked if all Town Codes are being followed; if any variances will be required; where the mechanical units will be located; and if the amount of glass shown in the plans presented an energy problem.

Planning Director Carl Cahill responded that staff expects some parking to be located in the setbacks which will require a variance however, no other variances should be sought for the project.

Councilmember Kerr explained that the building, as designed, is very energy efficient and may even qualify for a program being underwritten by Pacific Gas and Electric that would include monetary compensation.

In reply to Schreiner's question about the noise and mechanical units, Councilmember Warshawsky said that they would be roof mounted with acoustical screens. He added that today's equipment is more sophisticated and quieter and should not present a problem. Warshawsky thanked Peter for all of the positive adjustments that have been made during this design phase of the building to address concerns of the neighborhood and community.

Nancy Ewald, Altadena Drive, Pathway Committee Member, asked if the Pathway Committee would review the project.

Councilmember Kerr said the project would be seen by the appropriate Committees that review all Town projects. There are no plans to change the existing pathways.

Jitze Couperus, 13680 Page Mill Road, stated that he found this Town Hall "most unsatisfactory, he has nothing to complain about!". He congratulated Council and the Architect on a job well done.

Ben Hatfield, Cool California, stated he is a long time resident of Los Altos Hills and had brought with him aerial photos that were taken by his father in 1949 of the Town. They would be available for viewing after the meeting.

#### CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed by the following roll call vote to approve the Town Hall design as presented by the New Town Hall Committee and forward it to the Planning Department for the Site Development process.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Kerr and Councilmember Warshawsky

NOES: None

ABSENT: Councilmember Fenwick

ABSTAIN:None

PASSED BY CONSENSUS: To refer the budget and financing options of the New Town Hall to the Finance and Investment Committee to be included in discussion during the joint study session with the City Council on November 17, 2003 and to revisit consideration of the budget for this project at the November 20, 2003 Regular City Council Meeting.

Mayor Cheng announced that Subcommittees for the new Town Hall project have been formed and volunteers are welcome. They include: Green Energy Program, Donor Seat Wall, Council Chamber Design, Project Budget, Information Technology, Staff Offices Requirements and the Heritage House Program/Use.

Councilmember Kerr explained that Mayor Cheng has expressed a desire for all Councilmembers to participate in the Subcommittees.

Following Council discussion, Councilmember Fenwick was volunteered for the Council Chambers and Heritage House Subcommittees.

Council gave direction to Peter Duxbury to have Toeniskoetter and Breeding, Inc. (TBI) construction management consultants available to answer questions on the Town Hall project budget at the Special City Council study session with the Finance and Investment Committee on November 17, 2003 and the City Council Meeting of November 20, 2003.

Council adjourned to Closed Session at 8:45 p.m.

#### 12. CLOSED SESSION

##### CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING

LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of Los Altos Hills

The City Council reconvened to the Regular City Council Meeting at 9:00 p.m.

The City Council provided direction to staff and no action was taken.

13. ADJOURNMENT

There being no further business the Regular City Council Meeting of October 16, 2003 was adjourned at 9:05 p.m.

Respectfully submitted,

Karen Jost  
City Clerk

The minutes of the October 16, 2003 Special City Council Meeting were approved as amended at the November 6, 2003 Regular City Council Meeting.